

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
SUBREGION 36

SOUTHWEST WASHINGTON  
MEDICAL CENTER

Employer

and

Case 36-RC-6453

OFFICE & PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION, LOCAL 11, AFL-CIO

Petitioner

**ORDER TO SHOW CAUSE**

Petitioner filed the above-referenced petition on January 26, 2009, seeking to represent a unit of surgical technicians at the Employer's 400 N.E. Mother Joseph Place, Vancouver, Washington facility.

Based upon a preliminary investigation of this matter, it appears that:

- 1) Petitioner is seeking to represent a bargaining unit consisting of the Employer's approximately 26 surgical technician employees, excluding all other employees;
- 2) the Employer operates an acute care hospital within the meaning of Section 103.30(f)(2) of the Board's Rules and Regulations;
- 3) the Employer employs other technical employees at its Vancouver, Washington facility, including laboratory technicians, radiology technicians and respiratory therapy technicians;
- 4) technical employees at Employer's facility, including surgical technicians, laboratory technicians, radiology technicians and respiratory therapy technicians, are not currently represented by any union and have not been represented by any union in the past; and

5) only two groups of employees at Employer's Vancouver, Washington facility are currently represented by a union: a unit of registered nurses represented by Washington State Nurses Association and a unit of skilled maintenance employees represented by International Union of Operating Engineers Local 701.

Under the Board's Healthcare Rules, in an acute care hospital, the following bargaining units are the only appropriate units for petitions filed pursuant to Section 9(c)(1)(A)(i) of the National Labor Relations Act: 1) all registered nurses; 2) all physicians; 3) all professional employees except for registered nurses and physicians; 4) all technical employees; 5) all skilled maintenance employees; 6) all business office clerical employees; 7) all guards; and 8) all nonprofessionals except for technical employees, skilled maintenance employees, business office clerical employees, and guards. (See Sec. 103.30(a) of the Board's Rules and Regulations; Collective Bargaining Units in the Health Care Industry; 284 NLRB 1515 (1987). Deviation from these eight appropriate bargaining units is rare and is only done, "in extraordinary circumstances and in circumstances in which there are existing non-conforming units." (Sec. 103.30(a) of the Board's Rules and Regulations.) The party urging "extraordinary circumstances" bears a heavy burden to demonstrate that its arguments are substantially different from those which the Board carefully considered during the rulemaking proceedings in creating Section 103.30 of the Board's Rules and Regulations. (See Collective Bargaining Units in the Health Care Industry; 284 NLRB at 1574.) In sum, in an acute care hospital such as this one, the Board will only find the eight units defined in Sec. 103.30(a) to be the appropriate bargaining unit(s) unless extraordinary circumstances exists.

In view of the above, IT IS HEREBY ORDERED that each party shall have until the close of business on Friday, February 6, 2009, to show cause, by filing (by facsimile transmission or otherwise) with the Officer in Charge at the Board's Subregional office in Portland, Oregon a written statement, setting forth, *specifically*, its position with regard to further processing of the above-referenced petition, including whether the

instant petition should proceed to hearing or should be dismissed. Each party's submission should include supported factual statements and documents as well as detailed legal argument to support its position. Each party shall serve a copy of same upon all other parties on or before the above date and time. In the absence of any submissions, the instant petition will be dismissed.

DATED at Portland, Oregon, this 3rd day of February 2009.

ANNE POMERANTZ  
ACTING REGIONAL DIRECTOR

By: /s/ Linda Davidson  
Linda Davidson, Officer in Charge  
National Labor Relations Board, Subregion 36  
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